

HACK 207 (10200574)**IN THE CLAIMS**

Claims 1-38 (cancelled)

Claim 39 (previously presented): A fertilizer composition comprising malt extract or spent grain liquor, wherein said composition contains less than 0.5% lime w/w.

Claim 40 (previously presented): A fertilizer composition according to claim 39, wherein the malt extract or spent grain liquor comprises cations, free amino nitrogen, glucans, carbohydrates, sugars, amino acid peptides, and polyphenols.

Claim 41 (previously presented): A fertilizer composition according to claim 39, wherein the malt extract or spent grain liquor is a by-product of a brewing process.

Claim 42 (previously presented): A fertilizer composition according to claim 39, wherein the malt extract or spent grain liquor is a by-product of beer brewing.

Claim 43 (previously presented): A fertilizer composition according to claim 39, wherein the composition comprises both soluble and insoluble material.

Claim 44 (previously presented): A fertilizer composition according to claim 43, wherein the soluble material comprises one or more of simple sugars, free amino nitrogen, glucans, vitamins and calcines.

Claim 45 (previously presented): A fertilizer composition according to claim 44, wherein the free amino nitrogen is protein.

Claim 46 (previously presented): A fertilizer composition according to claim 43, wherein the insoluble material comprises proteins and/or carbohydrates.

Claim 47 (previously presented): A fertilizer composition according to claim 39, wherein the composition is either a liquid or a solid.

HACK 207 (10200574)

Claim 48 (previously presented): A fertilizer composition according to claim 47, wherein the solid is a dry powder.

Claim 49 (previously presented): A fertilizer composition according to claim 47, further comprising one or more bacteria and/or yeast.

Claim 50 (previously presented): A fertilizer according to claim 49, wherein the bacteria are a mixture of organisms selected from the group consisting of *Bacillus* spp, *Pseudomonas* spp, *Azotobacter* spp, *Nitrobacter* spp, *Azospirillum* spp, and *Derxia* spp.

Claim 51 (previously presented): A fertilizer composition according to claim 47, further comprising yeast extract and/or a yeast cell wall preparation.

Claim 52 (previously presented): A method of improving plant growth or soil condition, comprising the step of applying to said plant or soil an effective amount of a fertilizer composition according to claim 39.

Claim 53 (previously presented): A method according to claim 39 52, wherein the improvement is due to the prevention or inhibition of fungal growth.

Claim 54 (previously presented): A method according to claim 52, wherein the composition is applied by spray or mechanical spreader.

Claim 55 (previously presented): A method of manufacturing a fertilizer composition according to claim 39 comprising the step of extracting spent grain liquor or malt extract from a brewing process.

Claim 56 (previously presented): A method according to claim 17, further comprising the step of drying said composition.

Claim 57 (New) A fertilizer composition comprising malt extract or spent grain liquor with the proviso that lime is not included in said composition.